

United States District Court

Western

DISTRICT OF

Texas

FILED

JUL 14 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Melissa Janet LOPEZ

CRIMINAL COMPLAINT

CASE NUMBER:

08-M-3806 G

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 12, 2008 in El Paso county, in the Western District of Texas defendant(s) did, knowingly and intentionally possess with the intent to distribute, approximately 147.85 pounds (gross weight) of marijuana, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately 147.85 pounds (gross weight) of marijuana, a Schedule I Controlled Substance

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 952(a).

I further state that I am an Immigration and Customs Enforcement Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part hereof: X Yes No

[Signature]

Signature of Complainant
Bobby J. Wilson, Senior Special Agent

Sworn to before me and subscribed in my presence,

July 14, 2008

Date

at

El Paso, Texas

City and State

Norbert J. Garney, U.S. Magistrate Judge

Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFADAVIT

On July 12, 2008, at approximately 10:22 P.M., Melissa Janet LOPEZ entered the United States from the Republic of Mexico at the Ysleta Port of Entry in El Paso, Texas. LOPEZ was the driver and sole occupant of a white 1996 Dodge Ram 1500 Pickup Truck, bearing Texas license plate 70G-VR5.

During primary inspection, Customs and Border Protection Officer (CBPO) M. Batres asked LOPEZ what she was bringing from Mexico. LOPEZ told CBPO Batres in a rude manner that he needed to speak to her in Spanish because she did not know English. CBPO Batres asked LOPEZ what the purpose of her trip to Mexico was and LOPEZ said she lived in Mexico. LOPEZ said she was going to visit her grandmother who was ill.

LOPEZ told CBPO Batres that the vehicle belonged to her and her husband. As CBPO Batres conducted a check of the vehicle, he noticed the vehicle was not personalized and had a strong odor of glue. LOPEZ told CBPO Batres that she and her husband had owned the vehicle for approximately 8 months.

CBPO Batres instructed LOPEZ to exit the vehicle for a K-9 inspection, at which time he noticed LOPEZ hands were shaking. CBPO Batres asked LOPEZ why her hands were shaking and she said she did not know. Customs and Border Protection Canine Enforcement Officer (CEO) J. Vega utilized his Narcotic Detector Dog Rico (CF-60) to inspect LOPEZ' vehicle. NDD Rico alerted to the presence of a controlled substance at the passenger side rear seat.

LOPEZ was escorted into the Customs and Border Protection Office and CEO Vega drove the vehicle into secondary. Further inspection of the vehicle revealed 130 bundles of a green leafy substance wrapped in black tape in a non-factory compartment behind the rear seat and in both rear quarter panels of the vehicle. The green leafy substance field-tested positive for marijuana. There was approximately 147.85 pounds of marijuana concealed in the vehicle.

Senior Special Agent (SSA) Bobby J. Wilson and Special Agent (SA) Frank Zubia arrived at the port and conducted an interview with LOPEZ. SA Frank Zubia advised LOPEZ of her Miranda warnings in Spanish. LOPEZ stated she understood her rights and agreed to answer questions without an attorney present. SSA Wilson witnessed LOPEZ' rights being read as well as her statements.

LOPEZ said her friend FERNANDO offered her \$1,500 to cross the vehicle. LOPEZ said FERNANDO told her to cross the vehicle and drive it to the Wal-Mart located at Alameda and Americas Avenue in El Paso, Texas. LOPEZ said she was going to park in the Mc Donald's parking lot. LOPEZ said FERNANDO told her to go into Mc Donalds and wait for an unknown male to come and take the keys to the vehicle. LOPEZ said the unknown male was to take her back to the Ysleta POE and she was to return to Mexico where she would be paid.

LOPEZ said FERNANDO told her there were drugs in the vehicle. LOPEZ said FERNANDO told her to lie about the ownership of the vehicle. LOPEZ said she memorized the name on the vehicle registration.

LOPEZ provided a written statement to the fact that she was being paid to cross the vehicle.

FPF # 2008240200159201